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Letter dated 4 December 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the following documents:

1. The Ceasefire Agreement between the Transitional Government of Burundi and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) (annex I);

2. The joint communiqué of the Nineteenth Regional Summit on Burundi, held in Arusha on 1 and 2 December 2002 (annex II).

I should be grateful if you would have these documents distributed as documents of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

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Annex I to the letter dated 4 December 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Ceasefire Agreement between the Transitional Government of Burundi and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie

1. The questions originally mentioned in the first part of the preamble have been transferred to the annex, with a view to their negotiation at a later stage. However, the negotiations on those questions will not create preconditions for the implementation of the ceasefire.

2. The discussions and clarifications which have been transferred to the annex were provided for under the Peace and Reconciliation Agreement for Burundi.

Article I

1. This ceasefire shall apply throughout the territory of Burundi, between the belligerents as defined. The ceasefire shall take effect on 30 December 2002. The first 14 days from the date of signature should enable the belligerents to communicate to their troops, throughout the chain of command, their decision to cease hostilities. By 30 December 2002, combatants must have completed their movement to assembly areas.

2. This truce or cessation of hostilities shall enter into force within 72 hours after the signing of a Ceasefire Agreement.

3. This Ceasefire Agreement is the final stage of the peace process, itself the culmination of the Arusha Peace and Reconciliation Agreement for Burundi, signed on 28 August 2002 after a process of political negotiations.

Article II

1. The Ceasefire Agreement shall entail:

1.1 The cessation of the supply of ammunition and weaponry;

1.2 The prohibition of the distribution of lethal logistical supplies to or from any armed forces;

1.3 The release of all political prisoners;

1.4 The withdrawal of all foreign troops after the findings of the Commission of Inquiry which will investigate their presence within both the Burundian armed forces and the ranks of CNDD-FDD;

1.5 The total prohibition of mine-laying operations and of operations to obstruct demining;

1.6 The cessation of all propaganda between the parties and of incitement to ethnic hatred both inside and outside the country;

1.7 The cessation of all acts of violence against the population, any act of vengeance, summary executions, torture, harassment, detention or persecution of civilians based on their ethnic origin, religious beliefs or political affiliation,

arming of civilians, use of child soldiers, sexual violence and sponsoring and encouraging terrorists or genocidal ideologies;

1.8 The cessation of all air, land and lake attacks and all acts of sabotage;

1.9 The cessation of any action that may hinder the proper implementation of the peace process.

Article III

1. The African mission shall be responsible for monitoring and verifying the ceasefire. Prior to this process, joint liaison teams shall be set up which shall function at the national, provincial and local levels.

2. The African mission shall create the organs and mechanisms for monitoring and verifying the ceasefire. It shall draw up its own rules of procedure.

Article IV

1. The joint liaison teams shall comprise representatives of all the signatories and of the African mission. The teams shall report to the African mission through the Joint Ceasefire Commission.

2. The joint liaison teams shall have several roles, including sharing information and facilitating communication between the parties in order to reduce the likelihood of violations of the Ceasefire Agreement, clarify alleged violations and thus help build trust between the signatories so that the peace process is accepted with complete confidence.

3. The duties and functions of the joint liaison teams shall be established by the internal rules of procedure, which shall determine their attributes, functioning, rights and general duties.

Article V

1. The Joint Ceasefire Commission composed of representatives appointed by all the belligerents and by the African mission shall be set up immediately after the signing of the Ceasefire Agreement.

2. The Commission shall hold its first meeting as soon as possible and shall be based in Bujumbura. The Implementation Monitoring Committee shall establish its duties and functions.

Article VI

1. The signatories to this Agreement agree to the following principles, the procedures for the implementation of which are specified in the Arusha Peace and Reconciliation Agreement for Burundi:

1.1 The founding of a State governed by the rule of law, based on national unity, democracy, pluralism and respect for human rights;

1.2 The training of new defence and security forces, composed of government forces and combatants of the armed political parties;

1.3 The establishment of a power-sharing system within the framework of an inclusive Transitional Government.

Article VII

1. A forces technical agreement shall be negotiated and concluded in accordance with the details given in the annex.

Done at Arusha on 2 December 2002.

Signatories

For the Transitional Government of Burundi:
(*Signed*) Pierre **Buyoya**
President of the Republic of Burundi

For CNDD-FDD:
(*Signed*) Pierre **Nkurunziza**
Legal representative

Guarantors

(*Signed*) Yoweri Kaguta **Museveni**
President of the Republic of Uganda (Chairman of the Regional Initiative)

Witnesses

(*Signed*) Benjamin **Mkapa**
President of the United Republic of Tanzania (Vice-Chairman of the Regional Initiative)

(*Signed*) Ambassador **Bah**
Special Representative of the African Union in Burundi

(*Signed*) Ambassador **Dinka**
Special Representative of the United Nations Secretary-General in Burundi

(*Signed*) Deputy President **Zuma**
Facilitator of the Burundi peace process

Annex 1 to the Burundi Ceasefire Agreement

This annex forms an integral part of the Ceasefire Agreement.

A. Stages of the ceasefire

The ceasefire shall be implemented in two stages, namely:

1. First stage

1.1 Phase I

1.1.1 Signing of a detailed ceasefire agreement.

1.1.2 Declaration of a cessation of hostilities.

1.1.3 Establishment of a Joint Ceasefire Commission and of joint liaison teams, one of which shall deal particularly with the forces technical agreement for Burundi's new defence and security forces;

1.1.4 Deployment of the African mission.

1.1.5 Establishment by the two parties of a neutral, negotiated commission responsible for investigating the presence of foreign troops in Burundi and the presence of foreign troops within the ranks of CNDD-FDD, as well as the presence of Burundian forces in other countries.

Withdrawal of such forces, if there were any.

1.1.6 The belligerents shall move to assembly areas, with their weapons, under the supervision of the African mission. CNDD-FDD combatants shall be quartered in areas to be determined by the joint military commission.

1.1.7 Troops of the Burundian armed forces and other combatants shall be confined to other areas to be agreed. The African mission's military observers shall monitor the Burundian army's heavy equipment in order to dispel the fears of opposition former combatants. Heavy equipment shall mean tanks, infantry, combat vehicles, artillery pieces of a calibre larger than 82-mm mortars, aircraft, etc.

1.1.8 In view of the security situation in Burundi, some troops of the Burundian army shall be excluded from the application of subparagraph 1.1.7 to enable them to perform the necessary security functions.

1.1.9 The Transitional Government of Burundi and CNDD-FDD shall set up joint military units, as a prelude to the establishment of the new army, to perform certain functions.

1.1.10 An international monitoring mechanism shall be established in cooperation with the Democratic Republic of the Congo to monitor the security situation in the eastern part of that country on an ongoing basis, in order to prevent "negative forces" from adversely affecting security inside Burundi.

1.1.11 A joint commission shall be set up to monitor security within Burundi and in the region and to take appropriate action.

1.1.12 CNDD-FDD shall take part in the Transitional Government's power-sharing arrangements. The details shall be negotiated between the parties concerned.

1.1.13 After the signing of the ceasefire agreement, the parties shall address the issue of prisoners of war and political prisoners.

1.1.14 Burundi's Transitional Government and the African mission shall ensure the welfare of assembled combatants and determine the amounts to be paid to those who are not to be integrated into the new Burundian army. Particular attention shall be paid to combatants and civilians disabled or maimed in the war.

1.1.15 The integration programme shall concern the Burundian army, the police and the information services, as provided for in the Arusha Agreement.

1.1.16 Burundi's Transitional Government shall ensure that new, integrated units are created, comprising troops of the Burundian army and combatants of the armed groups, according to the agreed procedures;

1.1.17 Upon signing the Ceasefire Agreement, CNDD-FDD shall become a political party under the terms of the new law on political parties to be promulgated by the Transitional Government.

1.1.18 The ceasefire between the Transitional Government of Burundi and CNDD-FDD shall take effect on 30 December 2002.

1.1.19 The Facilitator of the Burundi peace process shall ensure that all political issues and pending security issues are resolved during the interim period.

1.2 Phase II

1.2.1 Implementation of disarmament, demobilization and reintegration programmes.

1.2.2 Demining and destruction of surplus weapons.

2. Second stage

2.1 Phase I

2.1.1 Restructuring and definition of the structure of the new defence and security forces of Burundi.

2.1.2 Selection of personnel for Burundi's new defence and security forces.

2.1.3 Officer training.

2.1.4 Training of soldiers.

2.2 Phase II

2.2.1 Establishment of Burundi's new defence and security forces.

B. Obligations

1. Obligations of all the parties

1.1 In preparing for the signing of the Ceasefire Agreement, the parties shall give a statement of their expectations and of the mechanisms required to put the provisions of the ceasefire into immediate effect. They undertake to ensure that the content and implications of the ceasefire are transmitted to the leaders and members of their organizations.

1.2 Upon signing the Ceasefire Agreement, the parties shall cease all acts of violence and shall desist from public campaigns against the other parties. In other words, the media and public forums, among others, shall not be used to incite hostility.

1.3 The parties shall command and control their organizations during the ceasefire period and subsequent processes.

1.4 The parties recognize and agree that they are responsible for enforcing the provisions of the Ceasefire Agreement and for adhering to it.

1.5 The parties agree to participate and cooperate with the joint liaison teams and with the other ceasefire monitoring and verification mechanisms to be established pursuant to the Ceasefire Agreement.

1.6 Before proceeding to disengagement areas, the parties shall mark or indicate all dangerous areas where there are mines or booby traps or shall deactivate such mines or booby traps.

1.7 In moving to disengagement areas, the forces of all the parties shall take all their weapons with them.

1.8 Disengagement areas and safety corridors shall be delimited and agreed by the parties during the ceasefire negotiations.

1.9 As soon as the ceasefire takes effect, the parties agree not to:

1.9.1 Recruit additional forces;

1.9.2 Re-supply, stockpile reserves or acquire additional war materiel, weaponry and/or ammunition that could be used for future operations;

1.9.3 Make flights that could be interpreted as aerial reconnaissance;

1.9.4 Engage in reprisals or acts of intimidation because of past support for or participation in the operations of either of the parties.

1.10 The parties shall hand over to the African mission a certified list of their combatants and their weapons and an inventory of their equipment.

1.11 The parties shall declare to the African mission the situation and location of their forces and all military equipment in their possession.

1.12 The parties shall indicate on maps the areas where there are minefields.

1.13 At the time of signing the Ceasefire Agreement, the parties shall designate their members who are to serve on the Joint Ceasefire Commission and the joint liaison teams.

1.14 The parties shall ensure that all foreign troops within their ranks are declared and handed over to the African mission and are not included on the certified list for integration purposes.

2. Additional obligations of the Transitional Government of Burundi

2.1 At the time of signing the Ceasefire Agreement, Burundi's Transitional Government shall submit to the African mission projects and programmes for ensuring disarmament and the disbanding of all militias. These shall include programmes for collecting up all weapons, ammunition, communications equipment and other lethal equipment, meaning that all such objects will be handed in to the authorities, as well as disarmament, demobilization and repatriation programmes.

2.2 These programmes shall be put into effect as soon as the Ceasefire Agreement is signed. All weapons collected up shall be handed over to the African mission for immediate destruction.

2.3 The Transitional Government undertakes to sign a status-of-forces agreement with the African peacekeeping mission, which shall provide for, inter alia:

2.3.1 Legal protection of members of the mission;

2.3.2 Access to Burundi's radio frequencies;

2.3.3 Unimpeded use of Burundi's airspace.

2.4 The Transitional Government shall also supply the names of all individuals who own weapons officially, and collect up all illegally owned weapons.

C. Integration and training of Burundi's new national defence and security forces

1.1 Structure

1.1.1 The parties shall design and agree upon a new national system for Burundi's defence and security.

1.1.2 The parties shall agree upon the role, functions and structures of Burundi's new national defence and security forces.

1.1.3 The parties shall agree upon the organization, strength and composition of Burundi's new national defence and security forces.

1.2 Training

1.2.1 Each member selected for Burundi's new national defence and security forces shall undergo training with a view to standardizing skills, techniques, procedures and regulations, so as to ensure the harmonious integration of military personnel.

1.2.2 Training shall be carried out in selected training institutions or in camps chosen for this purpose.

1.2.3 Officer training or specialized training may be provided inside or outside Burundi.

1.2.4 In order to build their capacities, officers of Burundi's new defence and security forces shall be trained as instructors or specialists in various technical and specialized fields.

1.2.5 The parties shall agree on the countries to be selected to provide the necessary assistance in training and instructing Burundi's new national defence and security forces.

1.2.6 The commanders of Burundi's new national defence and security forces, as well as local and foreign instructors, shall agree on the syllabus for all subjects to be covered during training.

D. Challenges to be faced

1. A forces technical agreement will have to be negotiated and concluded as soon as possible in order to find solutions for the following:

1.1 Surplus personnel who might not be integrated into the new national defence and security forces;

1.2 The war wounded and disabled;

1.3 Persons over the age limit for active service in the new defence and security forces;

1.4 Child soldiers;

1.5 Combatants' ranks and hierarchy.

E. Definitions

1. "Belligerents" means:

1.1 The Transitional Government;

1.2 CNDD-FDD and PALIPEHUTU-FNL.

2. "Ceasefire" means:

2.1 The cessation of all hostilities and all operations linked to the fighting and the cessation of paramilitary actions by all the belligerents, whether they are for or against the signatories to the Ceasefire Agreement and the civilian population in general. "The ceasefire" also means:

2.1.1 The suspension of the supply of ammunition and weapons;

2.1.2 The prohibition of the distribution of lethal logistical supplies to or from any armed forces;

2.1.3 That, after the signing of the Ceasefire Agreement, the parties will address the issue of prisoners of war and political prisoners;

2.1.4 The prohibition of mine-laying operations and of operations to obstruct demining;

2.1.5 The cessation of all propaganda between the parties and of incitement to ethnic hatred both inside and outside the country;

2.1.6 The cessation of all acts of violence against the civilian population, acts of vengeance, summary executions, torture, harassment, detention or persecution of civilians based on their ethnic origin, religious beliefs or political affiliation, arming of civilians, use of child soldiers, sexual violence and sponsoring and encouraging terrorists or genocidal ideologies;

2.1.7 The cessation of all air, land and lake attacks and all acts of sabotage;

2.1.8 The cessation of any action that may hinder the proper implementation of the peace process.

3. "Disengagement of forces" means:

3.1 The breaking of tactical contact between the opposing military forces of the signatories to this Agreement, at places where they are in direct contact.

4. "Distance of separation" means:

4.1 A minimum distance set between opposing forces, with no armed presence in the zone separating them.

5. "Disengagement areas" means:

5.1 Areas designated in the Agreement or subsequently by the Implementation Monitoring Committee as areas in which forces must be assembled for purposes of control and security of the signatories to the Agreement. Disengagement areas may be geographical areas or fixed sites such as barracks or other installations.

6. "Security zones" refers to:

6.1 Zones where there are no armed personnel other than members of international peacekeeping operations.

7. "Safety corridors" refers to:

7.1 Corridors agreed upon by the parties, who ensure that a designated person or entity may move freely and in complete safety within them.

8. "Ceasefire violation" means:

8.1 Failure to abide by any of the above provisions.

9. "Violation of the Ceasefire Agreement" means:

9.1 Failure to respect the spirit and the letter of the Agreement's provisions.

10. "Joint liaison teams" means:

10.1 Teams set up by the parties to the conflict and headed by observers whose role is to share information and facilitate communication between the parties at the working level in order to help reduce the number of ceasefire violations, clarify alleged violations of the Agreement and thus build confidence in the peace process among the public and the signatories.

11. "Cessation of hostilities" means:

11.1 The decision by the belligerents temporarily to cease all their military actions or any actions that may be interpreted as hostile to the other signatories and/or the civilian population. This entails neither disengagement of forces nor disarmament. The cessation of hostilities must take effect immediately upon its signing or proclamation. It is a stage leading to the conclusion of a final Ceasefire Agreement.

11.2 "Disarmament, demobilization and reintegration programmes" are:

11.3 Programmes based on the assumption that demobilization and reintegration will not occur spontaneously and that, unless these processes are put in place, their absence might derail or undermine the achievements of a peace process. They are normally divided into short-, medium- and long-term programmes and generally focus on the transition from a state of war to a state of peace and normal civilian life. They usually address food problems and seek to ensure substantial daily supplies until long-term programmes ensure self-sufficiency.

12. "Integration" means:

12.1 The process whereby various groups and/or individuals belonging to military units are put together to form a new entity. This process must be carried out at all levels of the forces system.

Annex 2

1. The parties agree to enter into negotiations on the following questions:

   1.1 The return to constitutional legitimacy

   1.2 Questions relating to the management of the post-war situation

   1.3 The transition period and its leaders

   1.4 The social welfare of combatants after the ceasefire

   1.5 The position of combatants

   1.6 The reasons why the various groups took up arms

   1.7 Questions relating to the return to constitutional legitimacy

   1.8 Questions relating to defence and security

   1.9 Questions relating to justice

   1.10 Questions relating to the ceasefire

   1.11 Transitional institutions

   1.12 National reconstruction

   1.13 National reconciliation

   1.14 Civil service reform

   1.15 Democracy and good governance.

Done at Arusha on 2 December 2002.

Signatories

For the Transitional Government of Burundi:
(*Signed*) Pierre **Buyoya**
President of the Republic of Burundi

For CNDD-FDD:
(*Signed*) Pierre **Nkurunziza**
Legal representative

Guarantors

(*Signed*) Yoweri Kaguta **Museveni**
President of the Republic of Uganda (Chairman of the Regional Initiative)

Witnesses

(*Signed*) Benjamin **Mkapa**
President of the United Republic of Tanzania (Vice-Chairman of the Regional Initiative)

(*Signed*) Ambassador **Bah**, Special Representative of the African Union in Burundi

(*Signed*) Ambassador **Dinka**, Special Representative of the United Nations Secretary-General in Burundi

(*Signed*) Deputy President **Zuma**, Facilitator of the Burundi peace process.

Annex II to the letter dated 4 December 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Joint communiqué of the nineteenth Regional Summit on Burundi, Arusha, 1 and 2 December 2002

1. At the invitation of H.E. President Yoweri Kaguta Museveni of the Republic of Uganda, Chairman of the Regional Peace Initiative on Burundi, Presidents Benjamin Mkapa of Tanzania, Thabo Mbeki of South Africa and Chairman of the African Union, Pierre Buyoya of Burundi, the Rt. Hon. Meles Zenawi of the Federal Democratic Republic of Ethiopia, Vice President Enock Kavindele of Zambia, the Hon. Emmanuel Ondo Methogo, Deputy Prime Minister of Gabon, the Hon. Godana Bonaya, Minister of Agriculture of the Republic of Kenya, the Hon. Kikaya bin Karubi, Minister of Information of the Democratic Republic of the Congo, the Hon. Lindiwe Sisulu, Minister for Intelligence Services of South Africa, and the Hon. Aziz Pahad, Deputy Minister for Foreign Affairs of South Africa, attended the nineteenth regional Summit on Burundi in Arusha on 1 and 2 December 2002.

2. Also present were the Facilitator of the Burundi ceasefire talks, Deputy President Jacob Zuma of South Africa, Ambassador Berhanu Dinka, Representative of the Secretary-General of the United Nations in Burundi, Ambassador Mamadou Bah, representing the African Union, as well as the representatives of the CNDD-FDD movement.

3. The Regional Summit received a report by Deputy President Jacob Zuma on the outcome of the endeavours he has undertaken in the search for a ceasefire in Burundi, since the eighteenth Regional Summit, held in Dar es Salaam on 6 and 7 October 2002.

4. After extensive discussions involving President Pierre Buyoya of Burundi, on the one hand, and Pierre Nkurunziza, the leader of CNDD-FDD, on the other hand, the transitional Government of Burundi and CNDD-FDD agreed to a ceasefire with effect from the date of the signature of the Ceasefire Agreement.

5. The Summit welcomed the signing of a ceasefire agreement between the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) of Pierre Nkurunziza and the Transitional Government of Burundi.

6. The Summit also noted the long and arduous process that preceded the conclusion of the agreement, and commends the two parties on taking this bold, crucial and patriotic step towards peace in the country.

7. The Regional Summit further directed that following the ceasefire agreement, CNDD-FDD will become a political party under a new law governing political parties to be promulgated by the broadened Transitional Government.

8. The Regional Summit also directed that CNDD-FDD will take part in the power-sharing arrangements of the Transitional Government, the details of which will be discussed by the parties concerned.

9. The Regional Summit called on the international community to render assistance in looking after the welfare of the assembled combatants and to work out

packages for those that will not be absorbed in the integration process of the new army. Particular attention is to be paid to the combatants and civilians who have been maimed as a result of the war.

10. The Regional Summit expressed its deep gratitude to:

- President Mkapa, the Government and people of Tanzania for the cordial welcome and hospitality extended to all participants in the nineteenth Regional Summit on Burundi.
- The Facilitator, Deputy President Jacob Zuma, and the Facilitation team for the efforts they have deployed in the search for peace, and encourage them to continue in their endeavours until peace is attained in Burundi.
- The United Nations, through the Special Representative of the Secretary-General for Burundi, Ambassador Berhanu Dinka.
- The African Union, through the Special Representative of the Secretary-General for Burundi, Ambassador Mamadou Bah.

Done at Arusha, United Republic of Tanzania, on the 2nd of December 2002.